

## REMARKS

Claims 1-6 are pending in the present application.

Claims 1-6 stand rejected.

### Rejection under 35 U.S.C. § 112

On page 2 of the Action, Claims 3 and 5 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended Claim 1 to clarify the subject matter thereof. In view of the amendment to Claim 1, the subject matter recited in Claims 3 and 5 is now in accord therewith.

Withdrawal of the rejection of Claims 3 and 5 is respectfully requested.

### Rejections under 35 U.S.C. §102(b)

On pages 3 and 4 of the Action, the Office improperly rejected Claims 1-2 and 4 improperly rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,367,900 to Usher, improperly rejected Claims 1 and 3 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 493,355 to Erickson, and improperly rejected Claims 1 and 5 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,606,158 to Krauss. It appears the Office has mischaracterized what these references fairly disclose and teach; thus, Applicant submits that none of the references cited by the Office recited each and every element of Claims 1-5 and requests withdrawal of the rejections under 35 U.S.C. § 102(b).

Claim 1 recites, as amended:

A liquid, powder or grain feed tank, wherein the service tank is provided with a tank body to be filled with liquid, powder, or grain, the inside of the said tank body being divided into two chambers with a separating wall, said separating wall being movable to relatively increase and/or decrease the volumes of the two chambers, and each chamber being filled with the same liquid, powder, or grain.

1. Usher

In contrast to the elements recited in Claim 1 above, Usher discloses a silo A having a presser platform with upper and lower plankings D/d affixed to cross beams E. The presser platform occupies a cross-sectional area of the inside of silo A. *See* Usher page 1, lines 57-66. The presser platform is raised to admit fodder into silo A and is lowered onto the fodder to remove air therein. The presser platform also acts as a cover that protects the fodder from exposure to the elements and is mechanically adjusted to ascend/descend throughout the span of the silo A. Usher, page 1, line 100 – page 2, line 12.

Usher, however, does not disclose placing the fodder on both sides of the presser platform. Indeed, only one chamber contains fill material, *i.e.*, fodder. This chamber is directly located beneath the presser plate. Therefore, it is clear that Usher fails to disclose or teach that each chamber is filled with the same liquid, powder, or grain as recited by independent Claim 1. Thus, Usher does not disclose each and every element of Claim 1, and Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 1.

Claims 2 and 4 are dependent upon independent Claim 1. Claim 1 is in condition for allowance. By virtue of dependency alone and without addressing the additional

patentable elements thereof, Applicant submits that Claims 2 and 4 are also improperly rejected. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 2 and 4.

2. Erickson

With reference to Claim 1 reproduced above, Applicant submits that Erickson fails to disclose each and every element of Claim 1. For example, Erickson discloses a feeding house that is filled with food and divided into separate compartments by partitions. Partitions may be added or removed to increase or decrease the volume of a compartment. *See* Erickson, page 1, lines 56-76. The partitions, however, are not movable to relatively increase or decrease the volume of the interior space. That is, the partitions of Erickson are not movable within the confines of the compartment to increase or decrease the volume of respective chambers but rather, must be entirely removed from the feeding house to alter any volume.

It is thus clear that the teachings of Erickson does not fairly disclose each and every element of independent Claim 1. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 1.

Claim 3 is dependent upon independent Claim 1. Claim 1 is in condition for allowance. By virtue of dependency alone and without addressing the additional patentable elements thereof, Applicant submits that Claim 3 is also improperly rejected. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 3.

3. Krauss

With reference to Claim 1 reproduced above, Applicant submits that Krauss fails to disclose each and every element of Claim 1. For example, Krauss discloses a silo having two separate chambers defined by an inner silo area 6 and an outer silo area 5 divided therebetween by a dividing wall 4. *See Krauss, Figure 1, 3:33-44.* The dividing wall 4 separates the two silo areas or chambers and stores two types of materials in these respective chambers. The dividing wall is static and non-movable, thus the respective volumes of the silo chambers are constant. A mixing chamber is coupled to the bottom of both the separate silo chambers to mix the contents of the chambers and expel the mixed content while the individual compositions of the two separate materials remain preserved in separate silo chambers. *Krauss, Figure 1, 5:27-54.*

It is thus clear that the teachings of Krauss does not disclose each and every element of independent Claim 1. Further, the contents of the chambers as claimed are not mixed together nor is there a separate mixing chamber claimed. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 1.

Claim 5 is dependent upon independent Claim 1. Claim 1 is in condition for allowance. By virtue of dependency alone and without addressing the additional patentable elements thereof, Applicant submits that Claim 5 is also improperly rejected. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 5.

**Rejection under 35 U.S.C. § 103(a)**

On page 5 of the Action, the Office improperly rejected Claim 6 under 35 U.S.C. § 103(a) as being obvious in view of Usher. Claim 6 is dependent upon independent Claim 1. Claim 1 is in condition for allowance. By virtue of dependency alone and without addressing the additional patentable elements thereof, Applicant submits that Claim 6 is also improperly rejected. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 6.

**CONCLUSION**

Applicant believes that the present application is in condition for allowance and, as such, it is earnestly requested that Claims 1-6 be allowed to issue in a U.S. Patent.

If the Examiner believes that an in-person or telephonic interview with the Applicant's representatives will expedite the prosecution of the subject patent application, the Examiner is invited to contact the undersigned agents of record.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,



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Dated: January 9, 2008